

**REMARKS**

Reconsideration of this application based on the foregoing amendment and the following remarks is respectfully requested.

**Information Disclosure Statement**

With respect to the Examiner's statement that the IDS filed on October 11, 2001 fails to comply with the provisions of 37 C.F.R. §§1.97, 1.98 and MPEP §609, because an English translation has not been provided and examiner is unable to locate the submitted documents in the English translation, the applicant respectfully calls to the Examiner's attention that the IDS indicates that the relevance of the cited documents is described in the specification, and that no translation is necessary because the IDS complies with 37 C.F.R. §1.98(3)(i), as follows:

"A concise explanation of the relevance as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from applicant's specification or incorporated therein."

Therefore, the applicant respectfully requests that the Examiner consider the IDS filed on October 11, 2001 on the merits and as timely filed.

**35 U.S.C. 112, Second Paragraph Rejections: Claims 1, 11 and 15**

The Examiner has rejected claims 1, 11 and 15 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Examiner states that claims 1 **and 5**, line 2, and claims 11 and 15, line 13, recite "...the other party...". The Examiner asserts that it is unclear if "...the other party..." is referring to the originating caller or to the called party. The Examiner is requiring appropriate correction.

First the applicant calls to the Examiner's attention that, although it was not cited by the Examiner, the limitation "...the other party...". appears also in claims 2-4 (and 5) and 6-10.

Page 4, lines 4-6, of the specification disclose that the controller 203 also executes call out control in response to an input of *the other party's telephone number* from a key input section 207 and a call out setup.

As used in other parts of the specification, the applicant maintains that the intended meaning of "...the other party..." is to refer to *the called party*. Therefore, with respect to the rejections under 35 U.S.C. 112, second paragraph, claims 1-11 and 15 have been amended accordingly to refer instead to the called party.

Prior to discussing the rejections over the prior art, to simplify the discussion, the applicant makes the following remarks with respect to the claims.

Claims 1 and 11 are independent method and apparatus claims, respectively, directed to reproducing audio data previously recorded and stored in a memory or synthetic audio data previously stored in a memory and also means for

automatically terminating the call or disconnecting after the reproduction and transmission of the audio data are completed.

Claims 5 and 15 are independent method and apparatus claims, respectively, directed to converting text data into audio data at a text-to-speech converter and also means for automatically terminating the call or disconnecting after the reproduction and transmission of the audio data are completed.

Claims 2, 6, 12 and 16 are analogous dependent claims directed to contents of the reproduced audio data are displayed on a display as text data during the transmission.

Claims 3, 4, 7, 8, 13, 14, 17 and 18 are analogous dependent claims directed to reproduction/ readout of the audio data can be designated during the call including the point of time reception.

Claims 9, 10, 19 and 20 are analogous dependent claims directed to indicating completion of the transmission on the display after the transmission of the converted audio data is finished; reading out another item of text data stored in the memory and supplying the text data to the text-to-speech converter while retaining the call; converting the text data into audio data at the text-to-speech converter; and sending the converted audio data to the radio transmitter/receiver in succession.

Claims 21 and 22 are analogous dependent claims directed to a means for designating the number and order of the text data to be read out and transmitted to the radio transmitter/receiver in succession.

To enhance the recitation of the limitations of the present invention, the applicant has cancelled claims 1, 5, 11 and 15 without prejudice. The applicant has not abandoned the subject matter of claims 1, 5, 11 and 15 and reserves the right to file a continuation application directed thereto.

The applicant has rewritten claims 3, 4, 7, 8, 13, 14, 17 and 18 into independent form including all of the limitations of the respective base claim and any intervening claims.

The applicant has changed the dependency of claim 2 from cancelled claim 1 to now independent claim 3.

The applicant has changed the dependency of claim 6 from cancelled claim 5 to now independent claim 7.

The applicant has changed the dependency of claim 12 from cancelled claim 11 to now independent claim 13.

The applicant has changed the dependency of claim 16 from cancelled claim 15 to now independent claim 17.

As noted, claims 3, 4, 7, 8, 13, 14, 17 and 18 are analogous dependent claims directed to reproduction/ readout of the audio data can be designated during the call including the point of time reception.

The applicant calls to the Examiner's attention that FIG. 1 discloses "Prescribed Period of Time Has Passed". FIG. 4 also discloses "Count Prescribed Period of Time". The applicant maintains that the intention of claims 3, 4, 7, 8, 13, 14, 17 and 18 is to recite instead the following limitation:

--reproduction/ readout of the audio data can be designated during the call including the point of time reception prescribed period of time--

Therefore, claims 3, 4, 7, 8, 13, 14, 17 and 18 have been amended to recite the foregoing limitation of a prescribed period of time.

No new matter has been added by any of the amendments to the claims.

### **35 U.S.C. 102(e) Rejections: Claims 1-22**

The Examiner has rejected claims 1-22 under 35 U.S.C. 102(e) as being anticipated allegedly by Zahavi et al (US 6,577,859 - filed June 7, 1999 - issued June 10, 2003).

#### **Claims 1 and 11**

The Examiner asserts Zahavi discloses all of the limitations of claims 1 and 11 including that Zahavi, column 5, lines 15-33, and column 5, lines 43-51, discloses reproducing audio data previously recorded and stored in a memory or synthetic audio data previously stored in a memory and also means for automatically terminating the call or disconnecting after the reproduction and transmission of the audio data are completed.

In response, the applicant respectfully directs the Examiner's attention to the fact that claims 1 and 11 have been cancelled, thereby rendering the rejections moot.

**Claims 5 and 15**

The Examiner asserts that Zahavi discloses all of the limitations of claims 5 and 15 including that Zahavi discloses converting text data into audio data at a text-to-speech converter.

In response, the applicant respectfully directs the Examiner's attention to the fact that claims 1 and 11 have been cancelled, thereby rendering the rejections moot.

**Claims 2, 6, 12 and 16**

The Examiner asserts that Zahavi, FIG. 2, discloses contents of the reproduced audio data are displayed on a display as text data during the transmission.

In response, the applicant respectfully directs the Examiner's attention to the fact that claim 2 now depends from claim 3. Claim 2 stands together with claim 3.

The applicant respectfully directs the Examiner's attention to the fact that claim 6 now depends from claim 7. Claim 6 stands together with claim 7.

The applicant respectfully directs the Examiner's attention to the fact that claim 12 now depends from claim 13. Claim 12 stands together with claim 13.

The applicant respectfully directs the Examiner's attention to the fact that claim 16 now depends from claim 17. Claim 16 stands together with claim 17.

**Claims 3, 4, 7, 8, 13, 14, 17 and 18**

As noted, claims 3, 4, 7, 8, 13, 14, 17 and 18 are analogous dependent claims directed to reproduction/ readout of the audio data can be designated during the call including the point of time reception.

The Examiner asserts that Zahavi, column 6, lines 1-39, discloses the limitations of claims 3, 4, 7, 8, 13, 14, 17 and 18.

In particular, the applicant calls to the Examiner's attention that Zahavi, in column 6, lines 11-19, discloses the following:

This introduction message may be either a standardized system greeting or a personalized message pre-recorded by the user. In the above-stated scenario, wherein the user has promised to make a telephone call at a certain time but is in a location where it is inappropriate to speak aloud at the appointed time, the introduction message may be pre-recorded by the user to reschedule the time for the call, to provide instructions to the called party, or for any other purpose.

Therefore, in that claims 3, 4, 7, 8, 13, 14, 17 and 18 now recite reproduction/ readout of the audio data can be designated during the call including the prescribed period of time, the applicant maintains that Zahavi never discloses, teaches or suggests the foregoing limitation of designating the prescribed period of time of the reproduction/ readout of the audio data.

Consequently, claims 3, 4, 7, 8, 13, 14, 17 and 18 patentably distinguish over Zahavi. As a result, the applicant respectfully requests that the Examiner withdraw the rejections of claims 3, 4, 7, 8, 13, 14, 17 and 18 over the prior art.

### **Claims 9, 10, 19 and 20**

As noted, claims 9, 10, 19 and 20 are analogous dependent claims directed to indicating completion of the transmission on the display after the transmission of the converted audio data is finished;

reading out another item of text data stored in the memory and supplying the text data to the text-to-speech converter while retaining the call;  
converting the text data into audio data at the text-to-speech converter; and  
sending the converted audio data to the radio transmitter/receiver in  
succession (or continuously sending the converted audio data to the radio  
transmitter/receiver).

The Examiner asserts that Zahavi, column 5, line 5, to column 6, line 48, discloses the limitations of claims 9, 10, 19 and 20.

The applicant calls to the Examiner's attention that Zahavi, in column 6, lines 40-48, discloses the following:

Preferably, the system also transmits to the called party, at step 230,  
an instruction message following the initial response. For instance,  
after the system transmits a message "yes" or "no" to the called party, the system may also transmit a message such as "Please continue" or "Ask another question". This way, the called party is prompted to continue the call or to state that no further questions are

desired to be asked, and does not mistakenly assume that an additional response from the user is forthcoming.

The applicant maintains that Zahavi, column 5, line 15, to column 6, line 39, never discloses, teaches or suggests reading out another item of text data stored in the memory and supplying the text data to the text-to-speech converter while retaining the call (while at the same time) sending the converted audio data to the radio transmitter/receiver in succession (or continuously sending the converted audio data to the radio transmitter/receiver).

Consequently, claims 9, 10, 19 and 20 patentably distinguish over Zahavi. As a result, the applicant respectfully requests that the Examiner withdraw the rejections of claims 9, 10, 19 and 20 over the prior art.

### **Claims 21 and 22**

Claims 21 and 22 are analogous dependent claims directed to a means for designating the number and order of the text data to be read out and transmitted to the radio transmitter/receiver in succession.

The Examiner asserts that Zahavi, column 5, line 15, to column 6, line unspecified, discloses the limitations of claims 21 and 22.

Based on the arguments for claims 9, 10, 19 and 20, the applicant maintains that Zahavi never discloses, teaches or suggests a means for designating the number and order of the text data to be read out and transmitted to the radio transmitter/receiver in succession.

Consequently, claims 21 and 22 patentably distinguish over Zahavi. As a result, the applicant respectfully requests that the Examiner withdraw the rejection of claims 21 and 22 over the prior art.

The foregoing amendment and remarks establish the patentable nature of all of the claims remaining in the application, i.e., claims 2-4, 6-10, 12-14, and 16-22. No new matter has been added. Wherefore, early and favorable reconsideration and issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,

*Anthony N. Fresco*  
Anthony N. Fresco  
Registration No. 45,784

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
516-742-4343/4366 FAX

ANF:yd  
Attachments